

KEVIN V. RYAN (CASBN 118321)  
United States Attorney

EUMI L. CHOI (WVSBN 0722)  
Chief, Criminal Division

ROBERT DAVID REES (CASBN 229441)  
Assistant United States Attorney

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102  
Telephone: (415) 436-7210  
Fax: (415) 436-7234

Attorneys for Plaintiff

UNITED STATES MAGISTRATE COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. 3 05 70551
	)	
Plaintiff,	)	<del>PROPOSED</del> ORDER AND
	)	STIPULATION FOR CONTINUANCE
v.	)	FROM OCTOBER 28, 2005 TO
	)	NOVEMBER 18, 2005 AND EXCLUDING
ANTHONY TRAVIS,	)	TIME FROM THE SPEEDY TRIAL ACT
	)	CALCULATION (18 U.S.C. §
Defendant.	)	3161(h)(8)(A)) AND WAIVING TIME
	)	LIMITS UNDER RULE 5.1

With the agreement of the parties, and with the consent of the defendant, the Court enters this order scheduling an arraignment or preliminary hearing date of November 18, 2005 at 9:30A.M. before the duty magistrate judge, and documenting the defendant's waiver of the preliminary hearing date under Federal Rule of Criminal Procedure 5.1 and the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from October 28, 2005 to November 18, 2005.

The parties agree, and the Court finds and holds, as follows:

1. The defendant has been released on his own recognizance.
2. The defendant agrees to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(B)(iv) to provide continuity of counsel and reasonable time necessary for effective preparation, taking into account the exercise of due diligence.
3. The defendant waives the time limits of Federal Rule of Criminal Procedure 5.1 for



1 preliminary hearing.

2 4. Counsel for the defense believes that postponing the preliminary hearing is in his  
3 client's best interest, and that it is not in his client's interest for the United States to indict the  
4 case during the normal 20-day timeline established in Rule 5.1.

5 5. The Court finds that, taking into the account the public interest in the prompt  
6 disposition of criminal cases, these grounds are good cause for extending the time limits for a  
7 preliminary hearing under Federal Rule of Criminal Procedure 5.1. Given these circumstances,  
8 the Court finds that the ends of justice served by excluding the period from October 28, 2005 to  
9 November 18, 2005, outweigh the best interest of the public and the defendant in a speedy trial.  
10 § 3161(h)(8)(A).

11 6. Accordingly, and with the consent of the defendant, the Court (1) sets a preliminary  
12 hearing date before the duty magistrate judge on November 18, 2005, at 9:30A.M., and (2) orders  
13 that the period from October 28, 2005 to November 18, 2005 be excluded from the time period  
14 for preliminary hearings under Federal Rule of Criminal Procedure 5.1 and from Speedy Trial  
15 Act calculations under 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

16  
17 IT IS SO STIPULATED:

18  
19 DATED: \_\_\_\_\_

\_\_\_\_\_/s\_\_\_\_\_  
RON TYLER  
Attorney for Defendant

20  
21  
22 DATED: \_\_\_\_\_

\_\_\_\_\_/s\_\_\_\_\_  
ROBERT DAVID REES  
Assistant United States Attorney

23  
24  
25 IT IS SO ORDERED.

26  
27 DATED: 11/2/05 \_\_\_\_\_

  
\_\_\_\_\_  
HON. NANDOR VADAS  
United States Magistrate Judge